A regular meeting of the Northampton County Council was held on the above date with the following present: Ann McHale, President; Wayne Grube, Vice President; Ron Angle; John Cusick; Charles M. Dertinger; J. Michael Dowd; Margaret Ferraro; Lamont G. McClure, Jr.; Diane Neiper; Leonard N. Zito, Solicitor to Council and Frank E. Flisser, Clerk to Council.

Prayer

Mr. Dowd led County Council in prayer to open the meeting.

Pledge of Allegiance

Mr. McClure led County Council in the pledge of allegiance.

Approval of the Minutes

As the minutes of the March 6, 2008 meeting were not fully transcribed, they are to be presented at the meeting to be held on April 3, 2008.

Courtesy of the Floor

Mr. Bob Buesing, Easton, PA - stated his father served for the County for 15 years as head of the Assessment Appeals Board and he instilled in him that when you could, you gave back to your community. He further stated he believed the comments that were made at the Personnel and Finance Committees meeting yesterday came from a misunderstanding so he was present tonight to answer any questions.

Mr. Buesing advised he was not here to go over his resume, but indicated he had spent 26 years in the travel industry. He noted some people thought that would present a conflict of interest, however, there were realtors on the Revenue Appeals Board and even tonight County Council was going to consider individuals in the medical field for the health board. He
further advised he would think the County would want knowledgeable individuals on its boards. He also noted he was a tour operator and not a travel agent so he did not receive commissions from airlines which was a practice that no longer existed. Furthermore, there was a paid employee at the airport that owned two travel agencies.

Mr. Buesing acknowledged he traveled a lot, but when he was asked to accept this great honor, he blocked off the necessary time on his calendar. He advised he wanted to be on this authority because he felt he had a lot of useful knowledge. In closing, he stated his mother told him the only thing you can truly give was your word, therefore, if he was appointed tonight, he would come back in one year and if it was felt he was not an asset, he would step down.

Ms. Diane Mast, Easton, PA - stated she was present to ask County Council to support Mr. Buesing’s appointment because he was qualified to serve.

Mr. Roger Ruggles - advised he believed qualified individuals were necessary to serve on any board. He further advised he had known Mr. Buesing for many years and he could not think of anyone more qualified.

Confirmation of Appointments

Mrs. McHale stated the Personnel Committee met on March 12, 2008, to review the appointments to the Airport Authority, the Industrial Development Authority, the Mental Health/Mental Retardation/Drug and Alcohol Advisory Board and the Personnel Commission.

Mr. Cusick introduced the following resolution:

RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their appointments as indicated hereafter:

**AIRPORT AUTHORITY**

Term to Expire: 12/31/12

Appointment:
Robert Buesing
701 Uhler Road
Mr. Cusick advised the appointments would be voted on separately. He then asked if there were any questions or comments with regard to Mr. Buesing’s appointment to the Airport Authority. He further advised no recommendation was forthcoming from the Personnel Committee for this appointment.

Mr. Cusick stated he believed Mr. Buesing’s resume was outstanding, but some issues were brought up at the meeting that he had no knowledge of. He further stated he would like to see greater costs and convenience for people who live in the Lehigh Valley to use its airport.

Mr. McClure advised he had some concerns with this appointment and did not intend to support it. He noted Mr. Buesing had previously been rejected due to potential conflicts of interest. He further advised this appointment was sent to County Council on Monday, discussed at a Personnel Committee meeting held on Wednesday and now on Thursday, they were being asked to vote on it.
Mr. McClure stated there was no time to delve into this appointment and as he had no knowledge of the travel industry, he could not judge whether or not there would be a conflict of interest. He further stated this Administration had steadfastly been for regionalism and he thought the heart of our region was the Lehigh Valley International Airport.

Mr. McClure advised he believed the appointee had been a frequent and consistent critic of the airport to the extent he felt his criticism would be corrosive, not an additive, if he was sitting on the board. He further advised he believed it had been this appointee’s position that the airport should be closed, not enhanced.

Mr. McClure stated if the other members of County Council believed in regionalism and that the airport was the heart of regionalism as he did, he did not see how anyone could possibly vote to confirm this appointee with his record.

Mr. Dowd advised he had known Mr. Buesing for more than 20 years and felt his comments regarding the airport have been fairly constructive. He further advised Mr. Buesing had raised concerns, sometimes assertively, but, he believed, they were valid ones and noted he had always been an advocate for tourism. Additionally, he did not perceive any conflict of interest and his knowledge would be an asset to the board. In conclusion, he commented County Council did not have to rubber stamp the County Executive’s recommendations, but he felt other appointees did not receive the same scrutiny as Mr. Buesing.

Mrs. Ferraro stated she was a member of County Council when they voted 7-2 against Mr. Buesing and those votes were strictly along party lines and she hoped it would not occur again tonight. She further stated the travel industry had changed a great deal since then so she did not feel the same issues were valid today. She noted she planned to support Mr. Buesing based on his resume.

Mr. Angle advised he felt Mr. Buesing was an excellent choice because he understood travel, airports and the needs of the people. He further advised he was concerned about potential conflicts of interest so he asked around and could not find any. He noted Mr. Buesing did not receive any commissions and he could not receive any useful insider information as he did not use this airport for flights as his tour groups tended to be
larger it could accommodate. Lastly, he hoped members of County Council would vote for or against Mr. Buesing based on his resume and not a supposed conflict of interest.

As there were no more questions or comments, Mrs. McHale called for the vote.


The appointment of Mr. Buesing failed by a vote of 4-5.

Mr. Dertinger left the meeting at this time.

Mr. Angle stated it seemed lately some members of County Council were doing things to undermine the County Executive, but whether they liked him or not, they should respect the office. He further stated he was thoroughly disgusted with the behavior of some of the members of County Council because they were not only adding very little to this County or County Council by what they were doing, they were now becoming quite a detriment to the overall function of the County.

Mr. Cusick advised the next item was the re-appointment of Mr. Ronald Donchez to the Industrial Development Authority. He noted the Personnel Committee voted unanimously to present this re-appointment to County Council for approval.

As there were no questions or comments, Mrs. McHale called for the vote.


The re-appointment of Mr. Donchez was approved by a vote of 8-0.

Mr. Cusick stated the next item was the appointment of Ms. Traci Cyr to the Mental Health/Mental Retardation/Drug and Alcohol Advisory Board. He further stated this appointment was approved by the Personnel Committee.
As there were no questions or comments, Mrs. McHale called for the vote.


The appointment of Ms. Cyr was approved by a vote of 8-0.

Mr. Cusick advised the last item was the appointment of Ms. Joyce Lang to the Personnel Commission. He further advised the Personnel Committee voted unanimously to recommend Ms. Lang to County Council for approval.

As there were no questions or comments, Mrs. McHale called for the vote.


The appointment of Ms. Lang was approved by a vote of 8-0.

Based on the voting, the following revised resolution was adopted:

R. 19-2008 RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their appointments as indicated hereafter:

INDUSTRIAL DEVELOPMENT AUTHORITY

Term to Expire: 3/17/13

Re-appointment:
Ronald J. Donchez
915 Wafford Lane
Bethlehem, PA 18018

MENTAL HEALTH/MENTAL RETARDATION/DRUG AND ALCOHOL ADVISORY BOARD

Term to Expire: 3/13/11

Appointment:
Traci J. Cyr
Introduction of the Ordinance Providing for Approval of the Appointment of the Northampton County Members of the Joint Northampton-Lehigh County Department of Health by the Joint Northampton-Lehigh County Health Commission

Mrs. McHale stated at the Personnel Committee meeting, the appointments of the Northampton County members to the Northampton-Lehigh Department of Health were reviewed. She further stated, upon advice of County Council’s Solicitor, these appointments were being approved via adoption of an ordinance. She indicated the public hearing, discussion and possible vote would be held at the April 3, 2008 County Council meeting.

Mrs. Neiper and Mr. Dowd introduced the following ordinance:


WHEREAS, on December 7, 2007, Northampton County Council enacted Ordinance No. 475, effective January 6, 2008, adopting a resolution of Northampton County Council creating and providing
for the establishment of the Joint Northampton-Lehigh County Department of Health, under the Local Health Administration Law of the Commonwealth of Pennsylvania, 1951, Aug. 24, P.L. 1304, §1, 16 P.S. 12001, et seq.; and,

WHEREAS, the Joint Northampton-Lehigh County Health Commission has recommended for approval by Northampton County Council the following appointees to the Joint Northampton-Lehigh County Department of Health.

NOW, THEREFORE, BE IT ENACTED UNDER THE NORTHAMPTON COUNTY HOME RULE CHARTER §1-602 (14) AND RESOLVED AS LAW THAT:

1. The appointment of David Thomas Lyon is approved and confirmed for the initial term of two (2) years from the second Monday in January 2009 in accordance with §12007 of The Act (16 P.S. 1200).

2. The appointment of John F. Reinhart is approved and confirmed for the initial term of two (2) years from the second Monday in January 2009 in accordance with §12007 of The Act (16 P.S. 1200).

3. The appointees shall serve and conduct meetings and be compensated only as provided for as specified in the Local Health Administration Law of the Commonwealth of Pennsylvania, 1951, Aug. 24, P.L. 1304, §1, 16 P.S. 12001, et seq., as amended.

4. This Ordinance is a companion to Ordinance No. 475 of Northampton County Council enacted December 7, 2007 and constitutes legislative action under paragraph 4 of that ordinance.

Conservation District Liaison Report

Mrs. Ferraro advised Ms. Kate Brandes, Watershed Specialist, was leaving her County position for a private foundation. She further advised she would be missed as she was an absolute credit to the County.

Lehigh Valley Convention and Visitors Bureau Liaison Report

Mr. Cusick stated there has been a decrease in recent hotel
tax revenue. He further stated the signage contract had been awarded and they have started work on that process.

Mr. Cusick advised the issue of sports fields as related to the tourism industry was raised and Mr. John Conklin, Director of Administration, invited members of the Visitors Bureau and Sports Commission in to discuss this matter. He further advised one of the issues that was brought up was the need for lacrosse fields.

Finance Committee

Mr. Angle stated a rough draft document was being prepared with regard to campaign financing. He further stated a couple of members of County Council were drafting an ordinance recommending a tax rebate, however, there was no surplus to rebate.

Council Solicitor's Report - LarsonAllen LLP

Mr. Len Zito, County Council Solicitor, advised he issued a memorandum on January 23, 2008, concluding that there was no basis for LarsonAllen in their competitive bid documents to increase their fees. He further advised this matter then became a letter writing campaign whereby LarsonAllen was now attempting to insist an agreement be reached in the form of an engagement letter.

Mr. Zito stated this was not required by the Request for Proposals, however, he did have Mr. Grube, as President of County Council in 2007, sign such a letter after he modified it because he was concerned about the disparity of the amount and believed there might be some controversy so he included in the engagement letter both mediation and arbitration provisions which would occur here in Northampton County in the event there was any dispute.

Mr. Zito advised he currently asked for some guidance from Mr. Terry Beidelman, Procurement Manager, with regard to some of the questions LarsonAllen was asking. He further advised he
planned to ask the Controller if an engagement letter was a requirement for them to conduct the audit as he could find no authority for that.

Mr. Cusick asked if there was a time line so the audits could be done.

Mr. Stephen Barron, Controller, stated his office was required to provide LarsonAllen 1315 hours as per the Request for Proposal. He further stated his office would have all the necessary information to LarsonAllen by the March 28, 2008 deadline, with their report being due April 15, 2008. He commented an engagement letter was a standard thing used to lay out the scope of an audit.

Mr. Barron advised last year, only after four days in office, he felt he had very productive meeting with members of his staff and LarsonAllen. However, the very next day, at a meeting with the County Executive, he was informed that during a meeting with the County Executive, Mrs. McHale, Mr. Angle and LarsonAllen, LarsonAllen left them with a totally different impression of that meeting.

Mr. Barron stated while engagement letters were standard, he did not trust LarsonAllen. He further stated his staff always did an excellent job and they would do what was required of them. He noted that LarsonAllen actually accused them of doing accounting on the books that they audit, which was not true. He pointed out his staff had peer reviews all the time and they always received the highest ratings.

Mr. Angle suggested the Controller keep detailed records, as well as keeping the County Executive and County Council informed as to what his office was doing. He remarked he believed the long and short of this was LarsonAllen did not know what they were bidding on as it was not their expertise and after performing their first audit, they were now looking for more money.

In response to Mr. Angle’s comment, Mr. Zito stated an engagement letter was not a condition of the Request for Proposal. He further stated he did have Mr. Grube sign such a letter in 2007 for the reason he previously stated. He noted he presented an identical letter to LarsonAllen, which he would allow Mrs. McHale to sign, however, he had not been able to get
that from them.

In answer to Mr. Angle’s question, Mr. Zito advised there was no way LarsonAllen could avoid their obligation with regard to the contract they had with the County.

In response to Mr. Angle’s comment with regard to the quality of work the County could receive if they did not provide the increase LarsonAllen requested, Mr. Barron stated there were standards that LarsonAllen had to meet.

Mrs. McHale stated the request for more money came about because LarsonAllen claimed they had to meet new standards.

Mr. Barron advised those standards were out before the bid was placed and the other bidders did take those into consideration.

Adjournment

Mr. McClure made a motion to adjourn.

Mr. Dowd seconded the motion.

The motion passed by acclamation.

Frank E. Flisser